IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10952 of 2005

Between:

1 N. Venu Gopal Reddy, S/o. N. Obul Reddy, D.No. 416-2, Aravinda Nagar Colony, Near R.T.C. Bus Stand Road, Cuddapah,
2 Nagireddy Subbanna, S/o. Lakshmi Reddy, Putlampalli Village, Buddyapalli Post, Cuddapah Mandal, Cuddapah District.

..... PETITIONERS

AND

1 The Superintendent of Police, Cuddapah, Cuddapah District.
2 The Deputy Superintendent of Police, Cuddapah, Cuddapah District.
3 The Circle Inspector of Police, Chinnachowk Police Station,Cuddapah,
4 The Circle Inspector of Police, 1st Floor, Taluk Police Station, Cuddapah.
5 Smt. D. Chand Begum, W/o. Late S. Sardar Khan, R/o. D.No. 9-14, Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah Dt.
6 D.K. Hameed Khan, S/o. Late S. Sardar Khan,R/o. Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
7 D.K. Nawaz Khan, S/o. Late S. Sardar Khan, R/o. Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
8 D.K. Ahmed Khan, S/o. late S. Sardar Khan, R/o. Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village,Cuddapah District.
9 Smt. Noor Jahan Begum, D/o. Late S. Sardar Khan,R/o. Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
10 Smt. Sufiya Begum @ Mallika, D/o. Late S. Sardar Khan, R/o. Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent Nos.1 to 4 herein in interfering with our peaceful possession and enjoyment over the land in an extent of

Ac.1.21cents in sy.no.31/3 and 31/2 and an extent of Ac. 2.63 cents in Sy.No.35/A & 35-7C, Situated at Putlampalli fields, Putlampalli Village, Cuddapah Mandal, Cuddapah District respectively belongs to the petitioners as highly highhanded, arbitrary, illegal and violative of the fundamental and constitutional rights guaranteed to the petitioners under articles 14, 19(1) (g), 21 and 300-A of the Constitution of India and consequently direct the respondent 1 to 4 not to interfere with the petitioners peaceful possession and enjoyment over the land in an extent of Ac. 1.21 cents in Survey Nos. 31/3 & 31/2 and an extent of Ac. 2.63 cents in Sy.Nos. 35/A & 35-7C, situated Putlampalli fields, Putlampalli village, Cuddapah Mandal, Cuddapah District, respectively belongs to the petitioners.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

:: ORAL ORDER ::

The writ petition is filed complaining that the respondents 1 to 4 are interfering with the petitioners' peaceful possession and enjoyment of land of Ac.1.21 cts, in Sy.Nos. 31/3 & 31/2 and Ac.2.63 cts, in Sy.Nos. 35/A & 35-7C of Putlampalli fields, Putlampalli Village, Cuddapah District, at the instance of the respondents 5 to 10.

The 1st respondent has filed a counter affidavit stating that he had enquired into the complaint of the petitioners in detail and the said enquiry revealed existence of disputes between two communities – Reddys and Muslims, in that locality, that the 7th respondent had approached the then Superintendent of Police with a representation which was endorsed to the Inspector of Police (R4) with instructions to enquire into the matter. Thereafter the 2nd and 4th respondents called the petitioners and the unofficial respondents 5 to 10, enquired into areas of disputes between them and advised the parties to await the outcome of pending civil litigation. Despite such advice to maintain peace, there was some breach of law and order consequent on a scuffle between the parties. As such prohibitory orders u/Sec.145 Cr.PC were issued and both the parties restricted from entering into the lands in question till disposal of the civil litigation. The answering respondent further states that apart from the above there was no other interference by the official respondents and that the allegation that the respondents 2 to 4 abused the petitioners in filthy language and threatened them with dire consequences, is false.

In view of the categorical denial of the petitioners' allegations and no rebuttal to this averment in the counter, by the petitioners, the writ petition is dismissed. No order as to costs.

Dated: 04.07.2005 ----------

Pvsn Justice G. Raghuram

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent of Police, Cuddapah, Cuddapah District.
2 The Deputy Superintendent of Police, Cuddapah, Cuddapah District.
3 The Circle Inspector of Police, Chinnachowk Police Station,Cuddapah,
4 The Circle Inspector of Police, 1st Floor, Taluk Police Station, Cuddapah.

5 Two CCs to the GP for Home, High Court buildings, Hyderabad (OUT)

6 2 CD copies